



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,964	10/30/2003	Neelam N. Vaidya	5681-54200	8464
35690 7590 05/15/2007 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398			EXAMINER	
			WU, JUNCHUN	
AUSTIN, TX 78767-0398			ART UNIT	PAPER NUMBER
			2191	
				,
			MAIL DATE	DELIVERY MODE
			05/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
• .	10/696,964	VAIDYA, NEELAM N.			
Office Action Summary	Examiner	Art Unit			
	Junchun Wu	2191			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING ID. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by stature Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 136(a). In no event, however, may a d will apply and will expire SIX (6) MO te, cause the application to become A	IICATION. a reply be timely filed ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).			
Status		T.			
1) Responsive to communication(s) filed on <u>08 I</u>	Responsive to communication(s) filed on <u>08 March 2007</u> .				
, —					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under	Ex parte Quayle, 1935 C.	D. 11, 453 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1-22 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-22 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/	awn from consideration.				
Application Papers					
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the corre- 11) The oath or declaration is objected to by the E	cepted or b) objected to e drawing(s) be held in abeya ction is required if the drawin	ance. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some color None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No	v Summary (PTO-413) b(s)/Mail Date f Informal Patent Application			

Application/Control Number: 10/696,964 Page 2

Art Unit: 2191

DETAILED ACTION

1. This office action is in response to the amendment filed on March 8, 2007.

- 2. No claims have been amended, added, or cancelled.
- 3. Claims 1-22 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-7, 9-18, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Moshir et al. (US Pub. No. 20020100036, hereafter Moshir).
- 3. For claims 1 and 12, Moshir teaches a method or system for patching applications, comprising: deploying a patch package on a first computer running a first type of operating system, wherein the patch package comprises a patching mechanism and a first set of one or more new code components [0022 lines 1-4; 0026 lines 1-5], and wherein the patching mechanism is also executable on a second computer running a second type of operating system [0047; 0009 lines 1-3]; and executing the patching mechanism on the first computer, wherein executing the patching mechanism comprises replacing a first set of one or more old code

Application/Control Number: 10/696,964 Page 3

Art Unit: 2191

components in a first application with the first set of one or more new code components [0053 lines 4-7; 0058 lines 4-9].

- 4. For claims 2 and 13, Moshir teaches: deploying the patch package on the second computer, wherein the patch package further comprises a second set of one or more new code components [0026]; and executing the patching mechanism on the second computer, wherein executing the patching mechanism comprises replacing a second set one or more old code components in a second application with the second set of one or more new code components [0053 lines 4-7; 0058 lines 4-9], wherein the second application is functionally equivalent to the first application [0010].
- 5. For claims 3 and 14, Moshir teaches the method of claim 1 wherein the patching mechanism is written in Java [0050].
- For claims 4 and 15, Moshir teaches the patching mechanism is a script written in a 6. cross-platform scripting language [0050; Perl is a cross-platform scripting language].
- For claims 5 and 16, Moshir teaches storing the first set of one or more old code 7. components in a separate location before being replaced with the first set of one or more new code components [0065 lines 8-12].

Application/Control Number: 10/696,964 Page 4

Art Unit: 2191

8. For claims 6 and 17, Moshir teaches restoring the first set of one or more old code components to the first application [0065 lines 1-8].

- For claims 7 and 18, Moshir teaches wherein the patch package further comprises a patch 9. information file, wherein the patch information file comprises information on the first set of one or more new code components and information regarding which application the patch package is applicable to patch [0022 lines 1-4; 0079 lines 1-4; 0084 lines 4-8].
- 10. For claims 9 and 20, Moshir teaches storing information on one or more other patch packages that have been previously applied to the first application in a package information file [0128 lines 8-16].
- 11. For claims 10 and 21, Moshir teaches detecting patch conflicts by comparing the patch information file to the package information file [0080 lines 1-8].
- 12. For claims 10 and 22, Moshir teaches the user interface for the patching mechanism is the same on different platforms [0140].

Claim Rejections - 35 USC § 103

- 13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Application/Control Number: 10/696,964 Page 5

Art Unit: 2191

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 14. Claims 8 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moshir, and in view of Taylor (US Patent No. 6,161,218).
- 15. For claims 8 and 19, Moshir teaches the patch information file further comprises information on what bugs the patch package is operable to fix [0092 lines 1-5], but Moshir fails to teach information regarding which other patch packages the patch package is incompatible with. However, Taylor teaches information regarding which other patch packages the patch package is incompatible with [col.7 lines 56-57]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moshir by information regarding which other patch packages the patch package is incompatible with as taught by Taylor in order to scan all the patches in target package's information list and to verify that it is ok to install the patch [Taylor col.7 lines 20-22 & lines 39-41].

Response to Arguments

4. Applicant's arguments filed on March 8, 2007 have been fully considered but they are not persuasive.

In the remarks, Applicant argues that:

(a) In regard to claim 1, Moshir fails to teach or suggest a method for patching applications comprising deploying a patch package on a first computer running a <u>first type</u> of operating system, wherein the patch package comprises a patching mechanism and a first set of one or more new code components, and <u>wherein the patching mechanism is also executable on a second computer running a second type of operating system</u>, and executing the patching mechanism on the first computer, wherein executing the patching mechanism comprises replacing a first set of one or more old code components in a first application with the first set of one or more new code components.

Examiner's response:

(a) Examiner disagrees. Moshir discloses a method wherein patch mechanism is executing on the first computer running a first type of operating system and is also executable on the second computer running a second type of operating system (see paragraph 103, lines 3-6 "Different target computers within a network may run on different platforms; for instance, some may be Windows machines, some Unix machines, etc. The same update server 528 can be used for all the platforms."). Thus, Moshir describes an update agent that installs software patches on

Art Unit: 2191

target computer directly from update server (see paragraph 0027, lines 5-7 "update agent 204 attempts to install the software patch directly from the update server").

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junchun Wu whose telephone number is 571-270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

-

Application/Control Number: 10/696,964

Art Unit: 2191

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junchun Wu

WEI ZHEN
SUPERVISORY PATENT EXAMINED

Page 8